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INDIAN CHILD WELFARE AGREEMENT IS SIGNED

WINNIPEG, (February 22, 1982)--A milestone agreement was signed today by the federal and Manitoba governments with the Four Nations Confederacy through which major responsibilities for the development and delivery of on-reserve child welfare services will be delegated to Indian authorities within several tribal or regional councils.

Signatories to the historic Canada-Manitoba-Indian Child Welfare Agreement were J. Raymond Chénier, Parliamentary Secretary to the Minister of Indian and Northern Affairs, the Honourable John C. Munro; the Honourable Lloyd Axworthy, Minister of Employment and Immigration and Member of Parliament for Winnipeg - Fort Garry, on behalf of the Government of Canada; Community Services and Corrections Minister Leonard Evans on behalf of Manitoba and Grand Chief Larry Starr of the Four Nations Confederacy.

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This agreement will provide a full range of child welfare services to all Indian communities opting for the agreement. It will place a special emphasis on supportive and preventive activities such as family counselling and family and community education programs, and on increased Indian community participation and responsibility.

Subsidiary agreements are now being drafted through which 33 Indian communities in southern and central Manitoba will acquire authority and responsibility for child welfare under the auspices of this agreement. The federal and provincial governments are prepared to discuss extension of services to the 24 Bands of northern Manitoba should the Chiefs of the Manitoba Keewatinowi Okimakanak choose to examine alternatives for improved service delivery.

The Manitoba Child Welfare Act will provide the legislative basis for the provision of services by Indian child caring agencies or committees and their staffs and/or provincial staff working in collaboration in ways established in subsidiary agreements. As development occurs, Indian Authority staff will be trained and deployed to provide the full range of child welfare services on their respective reserves.

Funding for this Indian staffing program as well as for all other aspects of on-reserve child welfare services will be the responsibility of the federal government and will be provided directly to the agents delivering the service.

The accredited training and use of Indian staff will foster incorporation of traditional beliefs, values and customs into the preventive and treatment approaches and as well will offer skilled job opportunities for Indian people within Indian communities.

The master agreement provides the overall framework for the administration, delivery, control and evaluation of Indian child welfare services and will continue in effect unless termination notice is given by one of the parties.

Subsidiary agreements are intended to give effect to this master agreement and provide a vehicle for channeling and controlling resources to individual Indian child welfare authorities and for monitoring results of services in these communities.

They will be renegotiated from time to time to support the evolutionary development of Indian child welfare authorities and the services provided.

The master agreement permits flexibility in the selection of the mode of service delivery, subject to agreed criteria.

For example, Indian bands or tribal councils could request recognition under the province's Child Welfare Act as a full service child care agency. Alternatively, they could request recognition as a local child welfare committee with specific jurisdiction, or again they may receive service from Manitoba with Indian community involvement.

Subsidiary agreements can be negotiated for the provision and funding of child welfare services to meet the varying and essential needs of individual or groups of Indian communities.

The tripartite agreement results from five years of work by the Indian Child Welfare Sub-Committee involving the federal and provincial governments and Manitoba Indian delegates. The committee examined a range of service delivery alternatives and strategies, including provincial extension of services, federal delivery of services, and maintenance of the status quo until a federal Indian Child Welfare Act could be legislated in the future.

In recognition that Indian Bands are discussing the feasibility of a federal Indian Child Welfare Act as an alternative, the agreement will be subject to change in the event a federal Indian Child Welfare Act is legislated by Parliament in the future.

The spokesmen for the tripartite agreement heralded the new pact as a major new step in an important field and predicted positive beneficial results for Indian families and children. This tri-level approach, they said, could well extend nation-wide.

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MANITOBA CHILD WELFARE AGREEMENT

BACKGROUND

OBJECTIVES OF THE AGREEMENT

- to increase the number of Indian communities receiving basic provincial child welfare services
- respond to Indian community initiatives to control the design and administration of child welfare activities
- reduce the incidence of Indian child abuse and neglect
- reduce the number of Indian children in care and lost to the community through placement with non-Indian substitute families, institutions, or group homes.
- effect the return of Indian children to Indian communities
- increase Indian participation in the delivery of child welfare services to Indian communities
- support the needs of children in their parental homes and support wholesome family lives

ROLES AND RESPONSIBILITIES

Four Nations Confederacy/Indian Communities/Tribal Councils

- negotiation of agreements
- commitment to resolution of child welfare issue
- representation of Indian people for evaluation and monitoring of programs

Indian Child Welfare Authorities

- signatory to subsidiary agreements
- responsibility for delivery of services
- selection of the mode of service delivery
- incorporation of Indian beliefs, values and customs into service approaches
- negotiation of training programs for skilled Indian people

Manitoba

- signatory to master and subsidiary agreements
- incorporation of Indian beliefs, values and customs into service approaches
- encouragement towards Indian control of child welfare services
- evaluation and monitoring of Indian child welfare services
- responsibility for delivery and administration of services as negotiated in subsidiary agreements

Federal

- signatory to Master and Subsidiary Agreements
- funding of services and accredited training
- facilitation of Indian access to services and involvement in their design, control and delivery

Joint Responsibilities

- overall tripartite responsibilities for design, administration, delivery, control, review and evaluation

NATIONAL CHILD WELFARE POLICY

The Government of Canada is a signatory to the United Nations Declaration on the Rights of the Child. One of the basic rights accorded to children is the right to protection.

The provision of child welfare services is a provincial responsibility, however, Indian Affairs, on behalf of Canada, is responsible for ensuring that the rights of Indian children in Canada are safeguarded.

The primary child welfare responsibilities of Indian Affairs are:

- ensuring that provincial statutory child welfare services are extended to all reserve communities and to individuals and families residing on reserves, Crown lands and unorganized territories
- ensuring that child welfare services available to Indian people are adequate and appropriate to the needs and comparable to those available to other citizens
- funding as negotiated, the costs of provincial child welfare services provided to residents of Indian communities
- providing limited non-statutory child welfare services as required

THE INDIAN CHILD WELFARE ISSUE

The proportion of Indian children in care is over five times the province-wide rate. The situation is aggravated by the loss of children to the Indian community through placement in institutions, group homes, or with non-Indian families.

Attempts by Indian communities to improve the situation have been hampered by limited access to the full range of provincial child welfare services, leading to failure of child welfare programs to meet the needs of Indian families. Lack of community involvement in the design and delivery of child welfare services has been further restricted by the absence of funding arrangements to enable Bands to provide services directly to Band members.

Recognition of these problems by all parties and Indian demands for resolution of these issues led to the creation of a tripartite committee "to explore all aspects of child welfare needs and explore needs and proposals".

Agreement by all three parties to temporarily set aside the issue of financial responsibility for child welfare services provided off-reserve allowed for the development of this agreement to resolve the issues of on-reserve child care services.

EXISTING INDIAN CHILD WELFARE
SERVICES IN MANITOBA

In 1966 Indian Affairs and Manitoba entered into an agreement providing for the extension of child welfare services to 14 Indian reserves located in the jurisdiction of the three Children's Aid Societies in central, western, and eastern Manitoba. Under that agreement, Indian Affairs reimbursed Manitoba the cost of family services up to a stipulated amount, periodically increased, as well as the established per diem rate for maintenance of each child admitted to care.

Since July 1, 1981, the Dakota Ojibway Tribal Council has taken on responsibilities for child welfare with funding from Indian Affairs. The Dakota Ojibway Child and Family Services serves the eight constituent Bands as a fully accredited child welfare agency, excluding adoption services, under the Child Welfare Act. The Manitoba-Canada-Indian Child Welfare Agreement will lead toward more arrangements of this nature in the form of subsidiary agreements.

In the remainder of Manitoba, provincial officials provide a variety of services ranging from developmental activities to apprehension and placement. However, the major emphasis has not been on prevention and family services. Indian Bands or Tribal Councils, funded by Indian Affairs, provide limited services as well, however, lacking statutory authority, children can only be placed with parental consent.

The Canada-Manitoba-Indian Child Welfare Agreement

will serve to improve and standardize levels of service as required to meet community needs.

- family life education programs
- individual, family and group counseling
- life skills training
- home care and day care services
- investigation of complaints of neglect or mistreatment of children
- remedial action including removal of children from the parental home
- resource development including development of foster care homes
- care and treatment of children committed to care as temporary or permanent wards by the courts or admitted to care under an agreement with the parents, and
- concurrent work with the parental family and substitute families
- services to and on behalf of children born out of wedlock and their parents
- adoption services

NATURE OF CHILD WELFARE SERVICES

Child welfare services include:

- family life education programs
- individual, family and group guidance and counselling
- lifeskills training
- homemaker and day care services
- investigation of complaints of neglect or mistreatment of children
- remedial action including removal of children from the parental home
- resource development including development of foster care homes
- care and treatment of children committed to care as temporary or permanent wards by the courts or admitted to care under an agreement with the parents, and concurrent work with the natural family and substitute families
- services to and on behalf of children born out of wedlock and their parents
- adoption services

Date Due

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AUTHOR

Indian Child Welfare Agreement

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